

**DETAILED ACTION**

***Election/Restrictions***

This application is in condition for allowance except for the presence of claims 17, 23, and 25, directed to a species non-elected without traverse on 01/10/2006. Accordingly, claims 17, 23, and 25 have been cancelled.

***Allowable Subject Matter***

Claim 16, 18–22, 24, 31, 33–41, 43–51, 53–64 are allowed.

Pursuant to the Board Decision, issued 09/27/2011, reversing the Examiner's decision, these claims stand allowed over the prior art of record.

The instant application is allowable over prior art references such as U.S. Pat. No. 6,102,941 to Tweden and U.S. Pat. No. 6,290,728 to Phelps due to the priority date.

The significant prior art of record is U.S. Pat. No. 6,447,539 to Nelson; U.S. Pat. No. 5,695,504 to Gifford, III; and U.S. Pat. No. 6,432,127 to Kim. All disclose hollow conduits that may be resilient, and all generally disclose bypasses to the coronary lumens and ventricles. Gifford, III discloses a tubular sleeve 251 for an anastomosis fitting that is rigid, col. 29 para. 2; shows barbed staple anchors at figs. 35–37. The references, however, are silent as to whether the device remains open or is sufficiently rigid to stay open during systole and diastole. Thus, the current invention is patentable (following the Board Decision's reasoning) over the prior art of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Stroud, whose telephone number is (571) 270-3070. The examiner can normally be reached Monday through Thursday from 11am to 8:30pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, David Isabella, at 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner by phone, you may send an email inquiry to [jonathan.stroud@uspto.gov](mailto:jonathan.stroud@uspto.gov); if that is unsuccessful, you may contact [TC3700 Workgroup D\\_Inquiries@uspto.gov](mailto:TC3700_Workgroup_D_Inquiries@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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